

REMARKS

In response to the Final Office Action mailed December 15, 2008, Applicants hereby request reconsideration of the rejections based upon the claim amendments and arguments submitted herewith. Claims 23-44 were last presented for examination, of which all were rejected, with the following issues being raised:

1. Claims 23, 25-31, 33, 34, 36-42, and 44 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 914,546 to Amos in view of U.S. Patent No. 6,363,698 to Swain;
2. Claims 24, 32, 35, and 43 were rejected under 35 U.S.C. § 103(a) as obvious over Amos in view Swain, and further in view of U.S. Patent No. 5,979,603 to Woller; and
3. Claims 45 and 46 were rejected under 35 U.S.C. § 103(a) as obvious over Amos in view of Swain, and further in view of U.S. patent publication No. 2003/0203155 in the name of Kobe et al. ("Kobe").

Amendments

By the above amendments, Applicants have amended claim 23 and canceled claims 1-22, the canceled claims being non-elected claims. Applicants have amended claim 23 to more closely reflect the saddle tree as shown in Fig. 6 and described in the accompanying description on page 8, line 8 through page 9, line 24 of the specification.

Obviousness Rejections

Claim 23 was rejected as obvious over Amos in view of Swain. As amended, claim 23 now recites:

"a head plate disposed within the pommel end of the tree body; and

a Y-shaped strengthening bar disposed within the tree body and indirectly coupled to the head plate at a junction formed by the tree body, the junction being a point of articulation for the tree body"

Neither Amos nor Swain teach this structure as part of a saddle tree.

Amos teaches a cushioning member in the form of an X-shaped bar incorporated into the saddle tree. Part of this X-shaped bar extends into the pommel end of the tree body, and part extends into the cantle end of the tree body. This X-shaped bar is a unitary piece, such that the two ends are directly coupled. This leaves no junction between the two ends that can serve as the point of articulation for the tree body. Similarly, Swain teaches a single discrete flexible connector disposed within the saddle tree. This single flexible connector also leaves no junction between the two ends that can serve as the point of articulation for the tree body. Thus, neither Amos nor Swain teach a head plate and a strengthening bar disposed within and indirectly coupled by the tree body, thereby forming a junction as a point of articulation for the tree body. The combination of Amos and Swain therefore does not establish a *prima facie* case of obviousness over amended claim 23.

Each of claims 25-31, 33, 34, 36-42, and 44 ultimately depend from claim 23, and each were rejected as obvious over Amos in view of Swain. Where this combination does not establish a *prima facie* case of obviousness over amended claim 23, neither does it establish a *prima facie* case of obviousness over any of these dependent claims.

Claims 24, 32, 35, and 43 each ultimately depends from claim 23, and each was rejected as obvious over Amos in view of Swain, and further in view of Woller. As indicated above, neither Amos nor Swain teach all the limitations of amended claim 23. Further, Woller fails to fill in the gaps in the teachings. As such, the cited combination does not establish a *prima facie* case of obviousness over any of claims 24, 32, 35, and 43.

Claims 45 and 46 each ultimately depends from claim 23 and each was rejected as obvious over Amos in view of Swain, and further in view of Kobe. As indicated above, neither Amos nor Swain teach all the limitations of amended claim 23. Further, Kobe fails to fill in the gaps in the teachings. As such, the cited combination does not establish a *prima facie* case of obviousness over either of claims 45 and 46.

Conclusion

For the foregoing reasons, Applicants submit that the claims are in a form suitable for allowance and such is earnestly solicited. In the event that the application is not found to be in a form suitable for allowance, an Advisory Action is requested.

Respectfully submitted,

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DATE: February 17, 2009

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